



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/805,501

03/13/2001

Carl R. Strathmeyer

024/1

1952

7590

05/18/2004

Gregory Caldwell  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, CA 90025

EXAMINER

NGUYEN, VAN KIM T

ART UNIT

PAPER NUMBER

2661

16

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/805,501

Applicant(s)

STRATHMEYER ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is responsive to communications filed on April 29, 2004.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witchalls (US 6,407,996), in view of Sengodan (US 6,490,275).

Regarding claims 1, 4, 7, 10, 13, 16, 19-22, and 26, as shown in Figures 8-15, Witchalls discloses a method comprising transmitting from an application computer (300, 313, 314) connected to a data network (309, 400) to a gatekeeper (315) connected to the data network, over the data network, packetized messages indicative of telephone calls in progress (status message/off-hook condition, col. 9: lines 43-53; communications connections are in existence, col.7: lines 55-57) at an endpoint (302-308, 316, 317, 410, 420, and 499) of the data network (cols. 7-16, esp. col. 12: lines 15-20, and col. 13: lines 9-14), the application computer being located separately from the endpoint. The application computer (300, 313, 314) is arranged to execute applications using call control information (cols. 7-8, esp. col. 7: lines 37-57, and col. 8: lines 33-35, and lines 48-60).

Regarding claims 2, 5, 8, 14, 17, and 23, Witchalls also discloses the information includes the originating IP address of the call (601, 604, 607, 611; col. 13: lines 15-28).

Regarding claim 3, 6, 9, 15, 18, and 24, Witchalls also discloses the information includes the words exchanged by parties in the call (col. 10: lines 5-11).

However, Witchalls does not call for transmitting from the gatekeeper to the application computer over the data network, packetized messages with information associated with the telephone calls, the information indicative of the length of the telephone calls.

As shown in Figs. 1-11, Sengodan teaches transmitting from the gatekeeper to the application over a data network, packetized messages with information associated with the telephone calls (ARQ/ACF/ARJ or BCF/BRJ message; col. 7: lines 19-26; col. 8: line 3 – col. 11: line 17), the information indicative of the length of the telephone calls (bandwidth requirement/allocated bandwidth).

Regarding claim 25, Sengodan also teaches the call controller is configured to operate in accordance with at least H.323 protocol (col. 1: line 15 –col. 3: line 40).

Since it is highly desirable to reduce call setup time without adversely affecting the call setup functionality, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Sengodan's method of including the length of call in setup messages, in Witchalls' packet network telephony system, motivated by the desire to improve call setup efficiency in multimedia communications systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 703-305-7692. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Olms can be reached on 703-305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.


Application/Control Number: 09/805,501

Page 4

Art Unit: 2661

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

vkn

  
DOUGLAS OLMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600